

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

RANDALL B. OTEY,)	
)	
Petitioner,)	
)	
v.)	Case No. 5:16-cv-01661-VEH-TMP
)	
STATE OF ALABAMA, et al.,)	
)	
Respondents.)	

MEMORANDUM OPINION

The magistrate judge filed a report and recommendation on April 16, 2018, recommending dismissal of the petitioner's 28 U.S.C. § 2254 petition for *habeas corpus* relief. (Doc. 13). No objections to the report and recommendation have been received by the court. Having now carefully considered *de novo* all of the material in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be **ADOPTED** and the recommendation **ACCEPTED**.

It is therefore **ORDERED** that the petition for *habeas corpus* relief pursuant to 28 U.S.C. § 2254 in the above-styled cause be and hereby is **DENIED** and **DISMISSED WITHOUT PREJUDICE**.

DONE and **ORDERED** this 9th day of May, 2018.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written in a cursive style.

VIRGINIA EMERSON HOPKINS

United States District Judge